



General Assembly

***Amendment***

January Session, 2009

LCO No. **6041**

**\*HB0666106041SR0\***

Offered by:

SEN. MCKINNEY, 28<sup>th</sup> Dist.

SEN. FASANO, 34<sup>th</sup> Dist.

SEN. RORABACK, 30<sup>th</sup> Dist.

To: Subst. House Bill No. **6661**

File No. 573

Cal. No. 453

***"AN ACT CONCERNING CERTAIN DONATIONS UNDER THE  
CITIZENS' ELECTION PROGRAM."***

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) (a) In addition to its inherent  
4 power as a branch of the legislature, the Connecticut state Senate has  
5 the constitutional authority under the Connecticut State Constitution,  
6 Article III, Section 13, to punish members for disorderly conduct, and,  
7 with the consent of two-thirds of its members, expel a member. While  
8 the constitution does not specify the grounds for expulsion or other  
9 disciplinary action, such grounds may include conduct that impugns  
10 the integrity of the Senate, reflects adversely on the Senate or  
11 otherwise undermines public confidence in the institution of the  
12 Senate. Although the constitutional power to discipline members may  
13 be exercised summarily, it is the sentiment of the Senate that  
14 disciplinary action should ordinarily be imposed only after a full

15 investigation and opportunity for a hearing. For the public to have  
16 confidence in the Senate, it must have confidence in its members as  
17 well as its procedures and institutional mechanisms. The public  
18 interest, the interests of accused members and the interests of the  
19 Senate as an institution require that the extraordinary power to expel  
20 or publicly discipline a member be exercised in a fair and consistent  
21 manner.

22 (b) There is established a Bipartisan Senate Committee on Standards  
23 of Official Conduct that shall consist of six members, appointed as  
24 follows: Three majority caucus senators by the president pro tempore  
25 of the Senate, and three minority caucus senators by the president pro  
26 tempore upon the recommendation of the Senate minority leader. The  
27 president pro tempore shall appoint two cochairpersons of the  
28 committee, one of whom shall be appointed upon the recommendation  
29 of the Senate minority leader. Such appointments shall be made not  
30 later than ten days after the effective date of this section.

31 (c) Said committee shall have cognizance of any official Senate  
32 action in response to any misconduct by any member of the Senate.  
33 "Misconduct" shall include any violation of state or federal election  
34 laws, any violation of the state code of ethics, any legal or ethical  
35 wrong or conduct that materially impairs the ability of the member to  
36 perform the duties of his or her office, or any conduct that impugns the  
37 integrity of the Senate or undermines public trust and confidence in  
38 the Senate. Nothing in this rule shall be construed to affect the powers  
39 and duties of the Office of State Ethics or the Citizen's Ethics Advisory  
40 Board.

41 (d) A quorum, consisting of not less than two members of each  
42 caucus, shall be required to conduct any official business of the  
43 committee. All committee decisions shall require four affirmative  
44 votes.

45 (e) Upon the complaint of any person, signed under penalty of false  
46 statement, or upon its own complaint, the committee shall conduct a

47 preliminary investigation into claims of any misconduct by any  
48 member of the Senate. Any committee member who is the subject of  
49 such a complaint shall recuse himself or herself from any committee  
50 action pertaining to such complaint. Such member shall be replaced,  
51 for purposes of committee action on such complaint, in the same  
52 manner in which such member was appointed.

53 (f) Any such preliminary investigation shall be confidential and not  
54 subject to disclosure. Upon the conclusion of any preliminary  
55 investigation, the committee shall vote to either (1) dismiss the  
56 complaint, or (2) make a finding of probable cause that misconduct has  
57 occurred. Upon a finding of probable cause by the committee, all  
58 information relating to the preliminary investigation shall, to the  
59 extent allowed by state and federal law, be made available to the  
60 public.

61 (g) The committee shall undertake a full investigation only after a  
62 finding of probable cause. All information relating to a full  
63 investigation shall, to the extent allowed by state and federal law, be  
64 made available to the public. All proceedings relating to a full  
65 investigation shall be open to the public. Upon the completion of a full  
66 investigation, the committee shall report its findings and  
67 recommendation in the form of a resolution to be voted upon by the  
68 Senate. Such recommendation shall include one of the following: (1)  
69 Expulsion, (2) censure, (3) reprimand, or (4) no action. The full Senate  
70 shall vote on any such resolution not later than ten days after the  
71 committee reports out any such resolution.

72 (h) The subject of any such complaint or investigation may be  
73 represented by counsel.

74 (i) Not later than ninety days after the effective date of this section,  
75 the committee shall adopt rules and procedures to govern its  
76 proceedings. Such proposed rules shall include, but not be limited to:  
77 (1) Standards, rules and methodology for conducting preliminary and  
78 full investigations, respectively, and (2) criteria for the making of a

79 recommendation of expulsion, censure, reprimand and no action,  
80 respectively."